(S)

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 2459 of 2007

Petitioner Kumari Krishna Naidu D/o Late Shri Kameshwar Rao Naidu aged about 32 years, Resident of Village Aghanpur, Tahsil Jagdalpur, District Bastar (C.G.)

Versus

Respondents

1. The State of Chhattisgarh, through the Secretary, Panchayat and Rural Development Department, Mantralay, D.K.S. Bhawan, Raipur (C.G.)
2. The Secretary, School Education Department, Chhattisgarh, D.K.S. Building, Raipur (C.G.)
3. The Director, Panchayat and Social Service, Raipur (C.G.)
4. The Director, Public Instructions, Raipur (C.G.)
5. Collector, Bastar at Jagdalpur (C.G.)
6. Chief Executive Officer, Zila Panchayat, District Bastar, at Jagdalpur (C.G.)
7. Chief Executive Officer, Janpad Panchayat, Lohandiguda, District Bastar (C.G.)

Writ petition under Article 226 of the Constitution of India

Single Bench: Hon'ble Mr. Justice Satish K. Agnihotri

Present: Mr. Renu Kochar, Advocate for the petitioner.
Mr. Ajay Dwivedi, Panel Lawyer for State/respondents No. 1 to 5.

ORDER

(Passed on 20th Day of April, 2007)

1. According to the learned counsel appearing for the petitioner, the petitioner was considered for appointment as Assistant Teacher through Selection Committee constituted for appointment on compassionate basis vide order dated 21.4.1998 (Annexure P-3). Thereafter vide order dated 17.6.1998 (Annexure P-4), she was appointed on the post of Shiksha Karmi Grade-III, as considered by the Selection Committee constituted for the

purpose of compassionate appointment. The petitioner accepted the appointment and continued to work till she was promoted to the post of Shiksha Karmi Grade-II vide order dated 19.6.2006 (Annexure P-5). All of sudden, the petitioner felt aggrieved by her appointment on the post of Shiksha Karmi Grade-III that the same was not proper and the Selection Committee has considered her for appointment on the post of Assistant Teacher.

2. Be that as it may, it is well settled principle of law that the appointment on compassionate basis is not in accordance with constitutional scheme. The appointment is only to mitigate hardship occasioned by death of the head of the family. The petitioner has no right to question asto whether she should be appointed as Assistant Teacher or Shiksha Karmi Grade-III. Even otherwise, on the question of delay also, when the petitioner slept over for about 9 years and thereafter this petition has been filed.

3. It is well settled that High Court in exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic as the belated approach may have the effect of inflicting not only hardship as inconvenience but also injustice on third parties. (See ***Jagdish Narain Maltiar Vs. The State of Bihar & others***[1], ***P.S. Sadasivaswamy Vs. State of Tamil Nadu***[2], ***State of M.P. & others Vs. Nandlal Jaiswal and others***[3], ***Burn Standard Co. Ltd. & others Vs. Dinabandhu Majumdar & another***[4] ***and Karnataka Power Corporation Ltd. through its Chairman & Managing Director & another Vs. K. Thangappan & another***[5]).

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4. Thus, this writ petition deserves to be dismissed on the ground of inordinate delay as well as merit. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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1 AIR 1973 SC 1343
2 AIR 1974 SC 2271
3 (1986) 4 SCC 566
4 (1995) 4 SCC 172
5 (2006) 4 SCC 322

Subhash